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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,694	04/01/2004	Sami Ronkainen	037145-1201	9712
30542	7590	10/02/2009	EXAMINER	
FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278				PARK, ILWOO
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/816,694	RONKAINEN ET AL.	
	Examiner	Art Unit	
	ILWOO PARK	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 August 2009.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. Claims 1, 6, 9, and 20-22 are amended in response to the last office action.

Claims 1-22 are presented for examination. Shah et al was cited in the last office action.

Response to Arguments

2. Applicant's arguments filed 9/4/2008 have been fully considered but they are not persuasive. In the Remarks, Applicant argues in substance that a) Shah does not teach any synchronization while providing examples of synchronization (data backup copy in paragraph 0006-0011 of Specification) or synchronization in context of a PDA from Wikipedia and b) Shah does not teach "data stored within device."

The Examiner respectfully disagrees. For the point a), as "synchronize" is defined as 'to represent or arrange (events) to indicate coincidence or coexistence' or 'to make synchronous in operation' by Merriam Webster dictionary, when copying a program from a first device to a second device in Shah [fig. 11, paragraphs 0175, 168, 0017, 0257], a virtual device [e.g., product icon of a first device representing a program stored in the first device] is synchronized with one or more virtual device [e.g., product icon of a second device representing the same program copied and stored in the second device], i.e., a program icon of the first device and a program icon of the second device indicate the same program stored after copying; in other words, the virtual devices [two program icons, respective device icons] are synchronized (in coexistence) with the same program. Shah further teaches [paragraph 0158] another synchronization by drawing a link between a virtual device [first device icon] and one or more virtual device [second device icon] and analyzing the interface/program types of the two devices to ensure the

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proper connection and program invocation; thus, the two devices are made synchronous in operation for communication and invocation.

For the point b), Shah teaches deploying programs from a server onto devices using virtual devices [program icons, device icons] of a configuration diagram [paragraphs 0024, 0143]; the deploying comprises copying a program from a first device to a second device (where the program remains stored on the first device) [paragraph 0175]; in this copy, both the first device and the second device store the same program. Thus, the virtual device has the program data which is copied to the second device.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-17 and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Shah et al. [US 2006/0031768 A1].

As for claim 1, Shah et al teach a method, the method comprising:
establishing a virtual device [e.g., “A plurality of product icons may then be displayed representing products available for use in the client system, e.g., hardware devices and/or programs” in paragraphs 0017, 0019; fig. 7; or “virtual device icons and/or virtual program icons may be automatically created for devices or programs that are purchased by user” in paragraph 0218] for each physical device of one or more

devices associated with a user, each virtual device including the data [e.g., “deploying a program comprising copying the program from a first device to a second device (where the program remains stored on the first device)” in paragraphs 0143, 0175, 0219] stored within the respective corresponding physical device; and

synchronizing [e.g., by “copying the program from a first device to a second device” in paragraphs 0175; or “automatically convert programs between different device types to ensure that deployed program work properly on the devices to which they are deployed” in paragraph 0227] the virtual device [e.g., product icon of a first device representing a program stored in the first device] with one or more other virtual devices [e.g., product icon of a second device representing the same program copied and stored in the second device].

5. As for claim 2, Shah et al teach synchronizing the virtual device with external databases [paragraph 0556].
6. As for claim 3, Shah et al teach creating the virtual device in a virtual device domain and updating settings in the virtual device [figs. 6-8].
7. As for claim 4, Shah et al teach the settings comprise configuration and personal settings, and wherein synchronizing the virtual device with one or more other virtual devices, is based on a domain configuration [paragraph 0546].
8. As for claims 5 and 10, Shah et al teach synchronizing the virtual device with one or more other virtual devices is based on a domain configuration [paragraph 0411].
9. As for claims 6-8, Shah et al also teach a computer program product for performing the method discussed above.

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10. As for claim 9, Shah et al teach a system, the system comprising:

a number of physical devices associated with a user; and

a virtual device domain including virtual devices [e.g., “A plurality of product icons may then be displayed representing products available for use in the client system, e.g., hardware devices and/or programs” in paragraphs 0017, 0019; fig. 7; or “virtual device icons and/or virtual program icons may be automatically created for devices or programs that are purchased by user” in paragraph 0218] for each of the number of physical devices, wherein the virtual devices include device capability information [paragraphs 0155, 0156, 0394] for corresponding physical devices, each virtual device including the data [e.g., “deploying a program comprising copying the program from a first device to a second device (where the program remains stored on the first device)” in paragraphs 0143, 0175, 0219] stored within the respective corresponding physical device, and wherein the number of physical devices are synchronized [e.g., by “copying the program from a first device to a second device” in paragraphs 0175; fig. 11; or “automatically convert programs between different device types to ensure that deployed program work properly on the devices to which they are deployed” in paragraph 0227] by the corresponding virtual devices.

11. As for claim 11, Shah et al teach the virtual device is located in the network [paragraph 0015].

12. As for claim 12, Shah et al teach the virtual device domain is in a personal computer [fig. 1].

13. As for claim 13, Shah et al teach the virtual devices can be administered by the user over a network [paragraph 0135].

14. As for claim 14, Shah et al teach the network is the internet [paragraph 0165].

15. As for claim 15, Shah et al teach the physical devices communicate data to the virtual devices to provide a backup of the data [paragraphs 0411, 0422].

16. As for claim 16, Shah et al teach the virtual device domain resides in a server associated with a communication provider [paragraph 0026].

17. As for claim 17, Shah et al teach the virtual device domain comprises domain configuration including transcoding rules [paragraph 0227].

18. As for claim 19, Shah et al teach the virtual devices have relationships between each other defined by a configuration and used in administering and managing the virtual device domain, and the administering and managing the virtual device domain is done using an application that provides a visual presentation of virtual devices and the relationships [paragraph 0012].

19. As for claim 20, Shah et al teach a method comprising:

associating [e.g., paragraph 0154] a communication service with a plurality of devices; and

managing [paragraph 0135] the plurality of physical devices using virtual devices in a virtual device domain, each virtual device including the data [e.g., “deploying a program comprising copying the program from a first device to a second device (where the program remains stored on the first device)” in paragraphs 0143, 0175, 0219] stored within the respective corresponding physical device, wherein managing the plurality of

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physical devices includes synchronizing [e.g., by “copying the program from a first device to a second device” in paragraphs 0175; or “automatically convert programs between different device types to ensure that deployed program work properly on the devices to which they are deployed” in paragraph 0227] the virtual devices [e.g., product icon of a first device representing a program stored in the first device and product icon of a second device representing the same program copied and stored in the second device].

20. As for claim 21, Shah et al teach tracking services and configurations of the virtual device domain for billing purposes [paragraphs 0023, 0528].

21. As for claim 22, Shah et al teach synchronizing the virtual devices according to a payment plan configuration [paragraph 0030].

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

23. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. [US 2006/0031768 A1] in view of well known in the art.

As for claim 18, even though Shah et al disclose a plurality of specifications [paragraph 0010] for the synchronization, Shah et al do not disclose the plurality of specifications including SyncML specification. However, data communication utilizing SyncML specification is well known in the art. At the time the invention was made, it

would have been obvious to one or ordinary skill in the art to include SyncML specification in the plurality of specifications of Shah et al in order to increase adaptability of the data communication of Shah et al.

Conclusion

24. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ilwoo Park whose telephone number is (571) 272-4155. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30

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PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ilwoo Park/
Primary Examiner, Art Unit 2182
9/27/2009